IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

CONTEMPT PETITION NO.60 OF 2005

Gitesh Gaikwad and others).. Petitioners

Versus

University of Mumbai and others).. Respondents

Mr.M.Mistry i/b.M/s.M.P.Vashi & Associates for the Petitioners.

Mr.P.M.Palshikar for Respondent Nos.1 and 2.

Mr.A.H.Palekar, A.G.P. for Respondent No.4.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 12TH AUGUST 2005

P.C.:

. The Petitioners have complained that there is a contempt committed by the Respondents of the order dated 7th September 2004 of the College Tribunal passed in Appeal Nos.56, 57 and 58 of 2003. Paragraph 15 of the College Tribunal's order reads thus :-

> "15. In the result, all the three appeals are partly allowed. The orders dated 6.10.2003 terminating the services of the appellants are hereby set aside and the respondents are directed to reinstate the appellants in service as before and pay their wages and give other benefits if any as per the rules. The respondent shall also pay the costs of the appeals which are quantified at Rs.2,000/- per appellant. On the request of Ms.Vaishali

Baviskar, the operation of this order is stayed for six weeks from today."

2. Admittedly, the Petitioners were employed as temporary employees prior to the order of the College Tribunal. The Petitioners agree that although they have received letters directing them to report for duty, they were informed by these letters that they would be employed only for a temporary period of three months. In these circumstances, the Petitioners have not joined duty. However, the Petitioners now agree to join duty as directed in the letters issued by the University without prejudice to their rights and contentions that they are permanent workmen and to take requisite action to agitate this grievance.

3. Contempt Petition disposed of.